

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)	
)	
v.)	Criminal No. 18-10345-RGS
)	
NICOLE A. LESCARBEAU,)	
Defendant.)	

AGREED-TO MOTION FOR PRE-SENTENCE PAYMENT

The United States hereby files this Agreed-to Motion for Pre-Sentence Payment (the “Motion”) pursuant to 28 U.S.C. §§ 1651, 2041 and 2042, and moves this Court for an Order directing the Clerk of the Court to accept pre-sentence payments toward the criminal monetary penalties, including restitution, to be imposed against the defendant, Nicole A. Lescarbeau (the “Defendant”). In support of this Motion, the United States respectfully submits the statements that follow.

1. On November 25, 2019, the Defendant signed a written plea agreement in which she acknowledged that the United States agreed to recommend, *inter alia*, that the Court order restitution totaling \$1,139,287.74, and other criminal monetary penalties. At a hearing pursuant to Rule 11 of the Federal Rules of Criminal Procedure on December 13, 2019, the Court accepted the Defendant’s guilty plea.

2. The Defendant has agreed to make a voluntary payment, prior to sentencing, towards her criminal monetary penalties, including any restitution imposed by the Court, of up to \$250,000.

3. The Defendant may submit payments by cash, check, or money order to: Clerk’s Office, U.S. District Court, 1 Courthouse Way, Suite 2300, Boston, MA 02210. All payments

made by check or money order should be made payable to the “Clerk of the U.S. District Court” and should include the Defendant’s criminal case number.

4. Alternatively, the Defendant may electronically transfer or wire funds to the Clerk’s Office, pursuant to instructions provided by the U.S. Attorney’s Office. Any electronic transfer or wire should indicate the Defendant’s criminal case number.

5. Pursuant to 28 U.S.C. § 2041, the Clerk of Court is authorized to accept and hold such funds on behalf of the Defendant until the time of sentencing. Further, pursuant to 28 U.S.C. § 2042, the United States requests that, upon the entry of a criminal judgment in this case, the Clerk of the Court withdraw and apply the deposited funds to the criminal monetary penalties, including restitution, imposed against the Defendant.

6. The Court has the discretion to order the requested relief pursuant to the All Writs Act, 28 U.S.C. § 1651, which provides that “all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law.”

7. The United States has conferred with counsel for the Defendant, who assents to the relief requested in this Motion.

WHEREFORE, the United States moves this Court for an order directing the Clerk of the Court to accept pre-sentence payments to be held until sentencing, and thereafter apply those funds toward the criminal monetary penalties, including restitution, imposed against the Defendant as provided by law and in accordance with the Clerk's standard operating procedures.

Respectfully submitted,

UNITED STATES OF AMERICA
By its attorneys

ANDREW E. LELLING
United States Attorney

By: /s/ Carol E. Head
JUSTIN D. O'CONNELL
CAROL E. HEAD
Assistant United States Attorneys
1 Courthouse Way, Suite 9200
Boston, MA 02210
(617) 748-3100
carol.head@usdoj.gov

Dated: November 2, 2020